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LRB094 05160 RAS 41219 a

1 AMENDMENT TO HOUSE BILL 130

2 AMENDMENT NO. _____. Amend House Bill 130 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Home
5 Health and Hospice Drug Dispensation and Administration Act.

6 Section 5. Legislative intent. The General Assembly
7 intends to protect the home health care and hospice services
8 patient by allowing authorized nursing employees in the home
9 health and hospice professions to have specified drugs readily
10 available when a patient may require their use.

11 Section 10. Definitions. In this Act:

12 "Authorized nursing employee" means a registered nurse or
13 advanced practice nurse, as defined in the Nursing and Advanced
14 Practice Nursing Act, who is employed by a home health agency
15 or hospice licensed in this State.

16 "Home health agency" has the meaning ascribed to it in
17 Section 2.04 of the Home Health Agency Licensing Act.

18 "Hospice" means a full hospice, as defined in Section 3 of
19 the Hospice Program Licensing Act.

20 "Physician" means a physician licensed under the Medical
21 Practice Act of 1987 to practice medicine in all its branches.

22 Section 15. Purchase of specified drugs. A home health

1 agency or hospice may purchase sealed portable containers of
2 drugs specified in Section 20 of this Act pursuant to a
3 prescription from its medical director who is a physician or
4 from a physician for the purpose of administration to the
5 agency's or hospice's patients under the patient's treating
6 physician's orders.

7 Section 20. Possession of specified drugs.

8 (a) A home health agency, hospice, or authorized nursing
9 employee of an agency or hospice, in compliance with this
10 Section, may possess or transport the following specified drugs
11 in a sealed portable container for the purpose of
12 administration to the agency's or hospice's patients pursuant
13 to the patient's treating physician's orders:

14 (1) Sterile saline in a sealed portable container of a
15 size determined by the dispensing pharmacist.

16 (2) Sterile water.

17 (3) Not more than 5 dosage units of any of the
18 following items in an individually sealed, unused portable
19 container:

20 (A) Heparin sodium lock flush in a concentration of
21 10 units per milliliter or 100 units per milliliter.

22 (B) Epinephrine HCl solution in a concentration of
23 one to 1,000.

24 (4) Not more than 2 dosage units of Diphenhydramine
25 (Benadryl) 50 milligrams intravenously in an individually
26 sealed, unused portable container, clearly labeled, and
27 placed in a protective carrier.

28 Section 25. Proper procedures.

29 (a) A home health agency, hospice, or authorized nursing
30 employee of an agency or hospice may purchase, possess, or
31 transport drugs listed in Section 20 of this Act in a sealed
32 portable container only if the agency or hospice has

1 established policies and procedures to ensure that:

2 (1) the container is handled properly with respect to
3 storage, transportation, and temperature stability;

4 (2) a drug is removed from the container only on a
5 physician's written or oral order;

6 (3) the administration of any drug in the container is
7 performed in accordance with a specific treatment
8 protocol; and

9 (4) the agency or hospice maintains a written signature
10 record of the dates and times the container is in the
11 possession of an authorized nursing employee.

12 (b) An authorized nursing employee of an agency or hospice
13 who administers a drug listed in Section 20 of this Act may
14 administer the drug only in the patient's residence under a
15 treating physician's orders in connection with the provision of
16 emergency treatment or the adjustment of parenteral drug
17 therapy.

18 (c) When an authorized nursing employee of an agency or
19 hospice administers a drug listed in Section 20 of this Act
20 pursuant to a treating physician's oral order, the authorized
21 nursing employee or the agency or hospice shall reduce the
22 order to written form and send this written confirmation to the
23 patient's treating physician by mail or facsimile
24 transmission, not later than 24 hours after receipt of the
25 order.

26 (d) A pharmacist who dispenses a sealed portable container
27 under Section 20 of this Act shall ensure that the container:

28 (1) Is designed to allow access to the contents of the
29 container only if a tamper-proof seal is broken.

30 (2) Bears a label that lists the drugs in the container
31 and provides notice of the container's expiration date,
32 which is the earlier of:

33 (A) the date that is 6 months after the date on
34 which the container is dispensed; or

1 (B) the earliest expiration date of any drug in the
2 container.

3 (e) A pharmacy that dispenses a sealed portable container
4 under this Act shall provide written instructions and counsel
5 the authorized nursing employee of a home health agency or
6 hospice on the safe storage, transportation, and temperature
7 stability of the contents of the sealed container.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".